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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,511	07/16/2003	Maik Moebus	0412-101P	3494
22831	7590	07/13/2006	EXAMINER	
SCHWEITZER CORNMAN GROSS & BONDELL LLP 292 MADISON AVENUE - 19th FLOOR NEW YORK, NY 10017			CANFIELD, ROBERT	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/890,511	MOEBUS, MAIK	
	Examiner	Art Unit	
	Robert J. Canfield	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 April 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 July 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/31/01</u> . | 6) <input type="checkbox"/> Other: _____ |

1. This Office action is in response to the amendment filed 04/21/06. Claims 1-18 are pending.
2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in DE on 12/27/99. It is noted, however, that while copies of DE 200 01 788.8 and CPT/RP 00/01359 are found a certified copy of DE 299 22 649.2 is not found in the application file history.
3. The disclosure is objected to because of the following informalities: the specification should not reference the claims (see at least page 4 lines 5-7 and page 6 lines 28 and 31).

Appropriate correction is required.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the circular transition of claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of claims 1-17 is indefinite as the preamble recites a panel is being claimed yet the bodies of the claims define structure and relationships of plural panels. The examiner suggests amending the preambles of the claims to something along the lines of "a panel connecting joint" or "a panel connection system" and then clearly define first and second panels and their relationships. Throughout the claims each occurrence of "the lug" is unclear as a plurality of lugs have been defined.

In claim 1 “the other panel” and “the open end of the tongue” lack antecedent basis. As understood the side of the tongue comprising the lugs does not comprise a recess as defined in claim 1 but rather a spacing is formed as the result of slope (12). Further it is unclear how the end of the tongue can be considered “open”.

In claim 2, at line 2 “recess” is misspelled as “raecess”. In claim “the raised area at the open end of the flank” and “the recess which is formed by the lug” each lack antecedent basis.

In claim 4, “the side wall of the recess” lacks antecedent basis.

In claim 8 it is unclear which panel “the panel” references as plural panels have been defined.

Claim 9 is unclear because as best understood only a single groove (3) and recess (7) have been defined but the claims reference “grooves” and “recesses”.

Claim 10 is unclear for the same reasons as claim 9 but further references plural tongues. Also is claim 10, “channels (7)” lack antecedent basis.

It is unclear why claim 14 references at least one tongue when only one tongue has been defined. Also “the open end” lacks antecedent basis.

In claims 16 and 17 “the short transverse side” lacks antecedent basis. Further claim 1 from which claim 16 depends defines the flank as rigid so it is unclear how the flank (6) can be both rigid and elastic.

Claim 18 fails to provide a series of steps and is therefore an improper method claim. Proper method claims provide a series of steps (usually using action verbs end with “-ing”), which tell the reader what to do, not what has been done.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-18 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by DE 42 42 530 A1.

The German reference provides panel (11) having groove (13) formed by two rigid flanks, the top flank of the figures shown longer than the bottom flank. The longer top flank is provided with a recess/channel at (11e). A second panel (11') is provided with a laterally extending tongue (12) having a plurality of spaced lugs (18) extending therefrom. The lugs (18) are arranged to engage recess (11e) as shown in figure 4. The tongue (12) is sloped at approximately (15) in figure 4 to provide a spaced interval when the panels are joined.

9. The references cited on the International Search report for PCT/EP00/01359 have been considered.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references cited in the specification along with those found during the search performed by the new examiner of record are listed on the attached PTO 892 form.

U.S. Patent 6,682,254 to Olofsson et al. teaches spaced lugs 3 along a tongue 2.

U.S. Patent 6,862,857 to Tychsen teaches spaced lugs 8 along tongue 9.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Canfield whose telephone number is 571-272-6840. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert J Canfield
Primary Examiner
Art Unit 3635

07/08/06

A handwritten signature in black ink, appearing to read "ROBERT J. CANFIELD". The signature is somewhat stylized and includes a small circle at the end of the "J".